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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kirt Debique

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EXAMINER

VERDI, KIMBLEANN C

ART UNIT

PAPER NUMBER

2194

NOTIFICATION DATE

DELIVERY MODE

10/21/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

roks@microsoft.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/635,730	<b>Applicant(s)</b> DEBIQUE ET AL.	
	<b>Examiner</b> KimbleAnn Verdi	<b>Art Unit</b> 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 and 30 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

Claims 1-21 are pending in the current application.

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. Claim 1 recites "the interface comprising: an Initialize method, a SetPresentationDescriptor method, a ProcessInput method, a ProcessOutput method, and a Flush method. However, according to the specification, an Initialize method, a SetPresentationDescriptor method, a ProcessInput method, a ProcessOutput method, and a Flush method are software *pro se* and functional descriptive material. However, function descriptive material is nonstatutory when claimed as descriptive material *per se*. When functional descriptive material is recorded on some computer-readable storage medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Since claim 1 does not recite the interface as being recorded on a computer-readable storage medium, the apparatus is interpreted as comprising functional descriptive material *per se* and non statutory. See MPEP § 2106.01.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 12, 15-16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiernan et al. (hereinafter Tiernan) (United States Patent 6,172,988 B1) in view of Cochon et al. (hereinafter Cochon) (U.S. Patent 5,835,591), and further in view of Bittinger et al. (hereinafter Bittinger) (U.S. Patent 5,754,774).

6. As to claim 1, Tiernan teaches the invention substantially as claimed including a computer-readable medium having computer-executable instructions for performing the step of exposing an interface for providing communication with a demultiplexer object, the interface including:

an Initialize method to configure the demultiplexer object (col. 5, lines 58-66);

a ProcessInput method to provide a new input muxed stream to the demultiplexer object (Output Stream 34, Fig. 1, col. 6, lines 3-4).

Tiernan does not explicitly disclose a SetPresentationDescriptor method to dynamically set an active presentation descriptor on the demultiplexer object;

a ProcessOutput method to retrieve at least one elementary stream from an active presentation determined based on the dynamically set active presentation descriptor; and

a Flush method to flush currently queued input and output samples.

However Cochon discloses a SetPresentationDescriptor method to dynamically set an active presentation descriptor on the demultiplexer object (col. 2, lines 20-26, col. 7, lines 16-35); and

a ProcessOutput method to retrieve at least one elementary stream from an active presentation determined based on the dynamically set active presentation descriptor (col. 2, lines 42-49 and col. 7, lines 16-35).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the Decoder of Tiernan with the teachings of a data processing part from Cochon because this feature would have provided a mechanism for receiving a multiplexed data stream and extracting nine transport packets, which are data streams (col. 7, lines 16-28), corresponding to nine distinct PIDs (col. 2, lines 42-46 of Cochon).

In addition Bittinger teaches a Flush method to flush currently queued input and output samples (col. 23, lines 66-67, col. 24, lines 1-4, and col.26, lines 26-29).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have further modified the Decoder of Tiernan as modified by Cochon with the teachings of a multiplex virtual socket from Bittinger because this feature would have further provided a mechanism for demultiplexing a client/server specific data stream to create a plurality of HTTP data streams (col. 6, lines 16-19 of Bittinger).

7. As to claim 2, Tiernan as modified teaches wherein the interface further comprises a GetPresentationDescriptor method to retrieve a clone of the currently active presentation descriptor on the demultiplexer object (col. 5, lines 48-55 of Tiernan) (col. 2, lines 44-46 of Cochon).

8. As to claim 3, Tiernan as modified wherein the GetPresentationDescriptor method includes a presentation descriptor (col. 5, lines 48-55 of Tiernan) (col. 2, lines 44-46 of Cochon).

9. As to claim 4, Tiernan as modified teaches wherein the interface further comprises a GetPendingPresentationDescriptor method to retrieve the next pending presentation (col. 5, lines 48-55 of Tiernan) ( col. 2, lines 44-46 of Cochon).

10. As to claim 5, Tiernan as modified wherein the GetPendingPresentationDescriptor method includes a pending presentation descriptor (col. 5, lines 48-55 of Tiernan) (col. 2, lines 44-46 of Cochon).

11. As to claim 6, Tiernan teaches wherein the Initialize method includes parameters, the parameters comprising:

- a muxed stream descriptor (col. 11, lines 25-27);
- a selected media type for the muxed stream descriptor (col. 11, lines 17-20);
- an array of major types of elementary streams (col. 13, lines 43-50); and
- a count of major types in the array of major types (col. 13, lines 26-38).

12. As to claim 12, Tiernan as modified teaches the computer-readable medium of claim 11 wherein the ProcessOutput method further includes an output return value (ES 32, Fig. 1, col. 6, lines 5-9 of Tiernan).

13. As to claim 15, Tiernan teaches wherein the multiplexed data has a format comprising at least one of Digital Video, MPEG2, and ASF (col. 6, lines 9-11 of Tiernan).

14. As to claim 16, this claim is rejected for the same reasons as claim 6 since claim 16 recites the same or equivalent invention, see the rejection to claim 6 above.

15. As to claim 18, this claim is rejected for the same reasons as claim 3 since claim 18 recites the same or equivalent invention, see the rejection to claim 3 above.

16. As to claim 19, this claim is rejected for the same reasons as claim 5 since claim 19 recites the same or equivalent invention, see the rejection to claim 5 above.

17. Claims 7-11, 13-14, 17, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiernan et al. (hereinafter Tiernan) (United States Patent 6,172,988 B1) in view of Cochon et al. (hereinafter Cochon) (U.S. Patent 5,835,591), and further in view of Bittinger et al. (hereinafter Bittinger) (U.S. Patent 5,754,774), as applied to claim 1 above, and further in view of Morris (2001/0009548 A1).

18. As to claim 7, Tiernan as modified does not explicitly disclose wherein the SetPresentationDescriptor method includes a pointer to a presentation descriptor object.

However Morris teaches wherein the SetPresentationDescriptor method includes a pointer to a presentation descriptor object (paragraph [0117]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have further modified the Decoder of Tiernan as further modified by Bittinger with the teachings of a TS DeMux from Morris because this feature would



have further provided converting a data stream received in a specified Transport Stream (TS) format into an output data stream in a specified Program Stream (PS) format (paragraph 0007] of Morris).

19. As to claim 8, Tiernan as further modified teaches wherein the ProcessInput method includes a pointer to a sample object (paragraph [0117] of Morris).

20. As to claim 9, Tiernan as further modified teaches wherein the ProcessInput method further includes a return value having a new presentation flag (paragraph [0049] of Morris).

21. As to claim 10, Tiernan as further modified teaches computer executable instructions for performing the steps comprising:

if the new presentation flag has a TRUE value (paragraph [0010] of Morris):

calling a GetPendingPresentationDescriptor method to retrieve the next pending presentation (col. 5, lines 48-55 of Tiernan) (col. 7, lines 40-45 of Cochon);

selecting desired streams (col. 10, lines 22-24 of Tiernan) (col. 2, lines 44-46 and col. 7, lines 30-35 of Cochon); and

calling the SetPresentationDescriptor method to enable processing of samples from the demultiplexer's input queue (col. 10, lines 25-36 of Tiernan) (col. 7, lines 40-45 of Cochon).

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22. As to claim 11, Tiernan as further modified teaches the computer-readable medium of claim 1 wherein the ProcessOutput method includes a stream identifier (col. 25, lines 20-23 of Cochon) and a pointer to a pointer to a sample object (paragraph [0117] of Morris).

23. As to claim 13, Tiernan as further modified teaches wherein the output return value includes one of an end of stream error code (col. 10, lines 13-21 of Tiernan) (paragraph [0047] of Morris) and a no more data error code (col. 10, lines 13-21 of Tiernan) (paragraph [0047] of Morris).

24. As to claim 14, Tiernan as further modified teaches wherein the interface takes multiplexed data (col. 6, lines 1-7 of Tiernan) as an in-memory buffer of data (paragraph [0071] of Morris).

25. As to claim 17, this claim is rejected for the same reasons as claim 7 since claim 17 recites the same or equivalent invention, see the rejection to claim 7 above.

26. As to claim 20, this claim is rejected for the same reasons as claim 8 since claim 20 recites the same or equivalent invention, see the rejection to claim 8 above.

27. As to claim 21, this claim is rejected for the same reasons as claim 11 since claim 21 recites the same or equivalent invention, see the rejection to claim 11 above.

***Conclusion***

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

29. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KimbleAnn Verdi whose telephone number is (571)270-1654. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm EST..

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 10, 2008

KV

/VAN H NGUYEN/

Primary Examiner, Art Unit 2194